

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed February 23, 2005. At the time of the Final Office Action, Claims 1-25 were pending in this Application. Claims 1-25 were rejected. Claims 1, 3, 14, 17 and 21 have been amended to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

Claim Objections

Claims 1 and 3 were objected to by the Examiner due to informalities. Applicants have amended Claims 1 and 3 to overcome these objections.

Rejections under 35 U.S.C. §103

Claims 1-9, 11, 14-16, 18-23 and 25

Claims 1-9, 11, 14-16, 18-23, and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication 2002/0198608 filed by Bruce Allen Smith ("Smith") in view of U.S. Patent 5,915,122 issued to Hiroshi Tsurumi ("Tsurumi") and U.S. Patent Publication 2002/0194412 filed by David A. Bottom ("Bottom"). Applicants respectfully traverse and submit that the above claims are not rendered obvious by the cited art.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Independent Claim 1 recites, among other features, "at least one address module associated with the at least two server modules, the address module operable to obtain the unique address from the midplane for each server module and to **calculate a start-up time for each module based on the unique address for each server module**" and "at least one power supply associated with the midplane, the power supply operable to sequence power to start up the server modules based on the start-up times for each of the server modules." Emphasis added.

Independent Claim 14 recites a method for autonomous power sequencing that includes, among other steps, “obtaining the unique address for each server module from the midplane and calculating a start-up time for each server module **based on the unique address of the server modules**” and “automatically sequencing power to start up the server modules based on the start-up times for the server modules.” (emphasis added).

Independent Claim 23 recites a computer system with “one or more address modules associated with the server modules, the address modules operable to obtain the unique address from the connectors for each server module and **to calculate a start-up time for each server module based on the unique address for each server module**” and “one or more power supplies associated with the midplanes, the power supplies operable to provide power to start up the server modules in a sequence determined by the start-up times for the server modules.” Emphasis added.

Examiner cites to Smith, Tsurumi and Bottom as teaching the elements of Claims 1-9, 11, 14-16, 18-23 and 25. Examiner has stated that neither Smith nor Bottom disclose the sequential supply of power to server modules. Examiner cites to Tsurumi as teaching a module operable to calculate a start-up time for each module based on the unique address for each module. Applicants traverse and submit that Tsurumi fails to teach the sequential supply of power to start up a server module, but instead the portions of Tsurumi cited by Examiner relate to battery tests performed on batteries.

In particular, Examiner cites to the following portions of Tsurumi:

FIG. 44 is a flowchart of the start of the **battery test** of the present invention and shows in particular a flowchart for setting a timer value. When there is competition in the **battery tests** when the power is on, an address is given to each of the power controllers zero and one, the addresses are read into firmware, and the timer is initialized so that the times for the start of the **battery tests** are made different for the power controller zero and one, thereby preventing competition.

In FIG. 44, if the start of a **battery test** is instructed (S1), it is judged if the power is on or not (S2). Further, it is judged if the address is for the power controller 0 or 1 (S3). If for the power controller 0, the timer is set to M seconds (S4). If the power controller 1, the timer is set to N seconds (S5). Next, for each of the M seconds of the power controller 0 system and the N

seconds of the power controller 1 system, it is judged if the timer has exceeded the set time (S6). If it has not exceeded it, the battery test is performed (S7) and the pre-determined test ended (S8). Here, M is << N.

Column 38, line 56-Column 39, line 6. Emphasis Added.

Applicants submit that the cited portion of Tsurumi is clearly directed to a method for performing a battery test. As such, the cited portion of Tsurumi provides no disclosure, teaching or suggestion of sequencing power to server modules as claimed. Additionally, Tsurumi provides no disclosure, teaching or suggestion of calculating a start-up time for each server based on the unique address of each server module. Instead, the timer of Tsurumi is set based upon the address of the associated power controller.

Additionally, Tsurumi is clearly directed towards using batteries as a back-up. See Column 2, lines 50-55. As the teachings of Tsurumi are clearly directed at the use of batteries as a back-up, any server modules with which the batteries of Tsurumi would be associated with would already be powered on at the time battery use is initiated. Accordingly, Applicants submit that Tsurumi does not teach the use of batteries to sequentially start up server modules as recited in the claimed embodiments.

[Sequential power]

Accordingly, the combination of Tsurumi, Smith and Bottom considered alone or in combination cannot render obvious Independent Claims 1, 14 or 23 because the references fail either alone or taken in combination, to disclose, teach or suggest each and every limitation of the claimed embodiments. Accordingly, Applicants respectfully request reconsideration, withdrawal of the §103 rejections and full allowance of Claims 1, 14 and 23 and Claims 2-9, 11, 15-16, 18-22 and 25, which depend therefrom.

Claims 10, 17 and 24

Claims 10, 17 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith, Bottom and Tsurumi as applied to Claims 1 and 14 above, and in further view of U.S. Patent 6,735,704 issued to David Butka et al. ("Butka et al."). Applicants respectfully traverse and submit that the above claims are not rendered obvious by the cited art.

Applicants submit that Claims 10, 17 and 24 depend from Independent Claims that have now been placed in condition for allowance. Applicants request reconsideration, withdrawal of the rejections under §103(a), and full allowance of Claims 10, 17 and 24.

Additionally, Claim 17 recites a method that includes, among other steps, “obtaining a multiplication factor for each server module; and calculating the start-up time using the multiplication factor.” The Examiner’s rejection to Claim 17 fails to particularly address the use of a multiplication factor as recited in Claim 17. (See Page 7, Paragraph 34.) Applicants respectfully submit that Butka fails to disclose, teach or suggest the use of a multiplication factor as recited in Claim 17. Accordingly, the combination of Smith, Bottom, Tsurumi and Butka fails to disclose, teach or suggest each and every limitation of Claim 17.

Claims 12 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Smith, Bottom, and Tsurumi as applied to Claim 1 above, and in further view of U.S. Patent 6,766,222 issued to Raymond S. Duley (“Duley”). Applicants respectfully traverse and submit that the above claims are not rendered obvious by the cited art.

Applicants submit that Claims 12 and 13 depend from Independent Claims that have now been placed in condition for allowance. Applicants respectfully request reconsideration, withdrawal of the §103(a) rejections and full allowance of Claims 12 and 13.


CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the claims as amended.

Applicants believe there are no additional fees due, however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2548.

Respectfully submitted,
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